

A MEETING OF THE BOARD OF COMMISSIONERS OF
THE CITY OF SODDY-DAISY, TENNESSEE, WAS HELD
ON THURSDAY, FEBRUARY 19, 2009 AT 7:00 P.M.

MEMBERS PRESENT:
MAYOR SHIPLEY
VICE-MAYOR PRIVETT
COMMISSIONER ADAMS
COMMISSIONER HARMON
COMMISSIONER SKILES
CITY MANAGER CAGLE
CITY ATTORNEY ELLIOTT
CITY RECORDER BURRIS

The first item of business was presentation of a plaque to the Soddy-Daisy High School Cheerleaders in recognition of winning the National NCA Cheerleading Championship in Dallas, Texas in December. Coach Vicki Jackson stated that this was the second championship in the past decade and that they had also won two state titles in the past 10 years. She recognized the girls' achievement academically saying that all maintain an A or B average. She introduced all members of the squad along with Jo Ellen Craze who helped coach the group.

The minutes of the meeting held January 15, 2009 were approved as presented.

Mayor Shipley stated that the Agenda was being changed due to the amount of citizens in attendance that may want to address the Board saying citizens' participation will be after new business. He said the Fire Chief will address the Board now so he can attend fire training. Fire Chief Stulce presented a request seeking approval for purchase of 15 pairs of fire boots and 10 helmets. He said bids were taken in October 2008 with 25 pairs of boots and 10 helmets purchased at that time. This is the remainder of that purchase request. He said G and C Supply would honor the bid price until the end of this month and gave the cost at \$6,530. Vice-Mayor Privett asked if this was a budgeted item and Chief Stulce stated it was. Vice-Mayor Privett made a motion to approve the purchase, seconded by Commissioner Adams and the motion carried unanimously. Chief Stulce then presented an upgrade to SCBA (self contained breathing apparatus) equipment from Nafco Supply. He stated that the City had purchased a particular brand of SCBA equipment that he felt was the best brand on the market. The design on the face piece had been changed and now the regulator is not compatible with the existing masks. He said this was a sole source item and to upgrade the existing 27 units to include changing the face piece mount would cost \$125 per unit. He gave the equipment cost at \$3,375 with \$43 in freight charges for a total of \$3,418. Commissioner Adams asked if this was a budgeted item. Fire Chief Stulce stated that it wasn't, but that there was adequate money in the department budget to cover it. Commissioner Adams made a motion to approve the request which was seconded by Commissioner Harmon and the ayes were unanimous for approval.

Old business: None.

New business:

AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
REZONING FROM C-2 LOCAL BUSINESS DISTRICT TO R-2
URBAN RESIDENTIAL DISTRICT, A TRACT OF LAND LOCATED
AT 107 WESTBROOK AVENUE. PUBLIC HEARING AND FIRST READING.

Vice-Mayor Privett stated that this request was heard by the Planning Commission whose unanimous recommendation is to approve the rezoning. Mayor Shipley stated by rezoning the property it would revert back to residential use. There were no comments and/or questions from those present.

1st - Commissioner Adams
2nd - Commissioner Harmon
Ayes - Unanimous

AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
REZONING FROM R-2A RURAL RESIDENTIAL DISTRICT AND A-1
AGRICULTURAL DISTRICT TO C-2 LOCAL BUSINESS DISTRICT,
A TRACT OF LAND LOCATED AT 9922 WALDEN STREET.
PUBLIC HEARING AND FIRST READING.

Commissioner Skiles stated that the Planning Commission recommended unanimously to approve this request. There were no comments or questions during the public hearing. Vice-Mayor Privett noted that an adjacent property owner questioned the planned use for the property, but was not in opposition to the rezoning.

1st - Vice-Mayor Privett
2nd - Commissioner Skiles
Ayes - Unanimous

Citizens' participation was held at this time. Mayor Shipley stated there were a lot of people in attendance but that there were some items that could not be discussed. He asked anyone that is not a city resident, to not come before the Board. He said he knew there were some citizens present interested in his uncle's DUI stop made on January 1st. He stated he had received a telephone call that his uncle, Bob Hargis, who was out on a traffic stop. He then called the City Manager and asked if Mr. Hargis was going to jail or if it was a situation where he could be picked up by a family member. He said this question had been asked many times before by different citizens when he had been called before. He added that this was not a secret and it was made public within 24 hours. He reported that after the incident, the City Manager met with the police department to let them know that there was never an intent to cover up anything in any way. Mayor Shipley said he regretted any embarrassment this may have caused the City. He reiterated that he did not feel that he did anything wrong in making the phone call and that he would have done the same thing for anyone that had called him. He stated that the District Attorney's Office has cleared him and City Manager Cagle of any wrongdoing. City Attorney Elliott stated that he would like to address the public before taking any comments. He said as it stands, there isn't any idea as to the cause of death to Roger Redden and therefore it is his strong recommendation to the Board that there not be any discussion of that situation tonight. He stated it is not fair to the City, the officers involved or to the Redden family until it is known exactly what happened. Mayor Shipley

asked for citizens' questions or comments pertaining to the DUI stop. Ken Neighbors, 11613 Holly Circle, stated it was his understanding that Mr. Hargis refused a breathalyzer test. If this is the case, what is the law for this. City Attorney Elliott said he thought there was a presumption, however; he does not do criminal law and thought the refusal was a loss of the drivers license. Allen Lewis, 1004 Holland Johnson Road, asked Mayor Shipley if he felt justified in making the call. Mayor Shipley said he didn't say he felt justified, but that he felt fine with asking the question, knowing that calls had been made before as well as officers calling him asking that he come pick someone up. He said he felt that there is a lesson learned here in that it is not right for a Commissioner to ask the question and that it is the discretion of the officer if he wants to let someone go. Mr. Lewis asked if he thought the officer felt intimidated. Mayor Shipley said that was what he was referring to. The Commissioners cannot ask because that could be considered intimidation, but the officers can call them (the Commissioners). Mr. Lewis said he talked with three officers today asking their opinion of this situation and their opinion was that formal impeachment procedures should be started on the Mayor because of the intimidation to the police officers on this particular incident. Mayor Shipley said he did not think he did anything he felt he should be impeached for, he only asked a question. Mr. Lewis said nothing the Board does should be outside the interest of the citizens, but right now he questioned the council's ethics and felt the City had been done wrong by this action. Mayor Shipley asked Mr. Lewis if this one particular issue is all that bothers him. Mr. Lewis said no, saying he felt for everyone involved there should be impeachment procedures taken and that the Mayor be included in it. Mayor Shipley said he wanted to reiterate that he was sorry for any embarrassment he had caused this City and that he felt this was a lesson to be learned by all. Mr. Lewis ended by saying that he has lived in Soddy-Daisy for 40 years and felt it was a disgrace what has been brought to our City. City Attorney Elliott said ordinarily when you have a big group like this, it may be best to limit the comments to three minutes. Andrew Newman, 9715 Dayton Pike, said he would like to give his support to the Mayor and all the Commissioners. He felt that Mayor Shipley has apologized and in speaking with fire and police department members, they all felt that it was in the best interest to get this over with tonight. He said this had been blown out of proportion that he had spoken with more than three officers and those he spoke with still supported the Commission. He said he was aware of one other Commissioner that has called and asked for favors before and it didn't get this blown out of proportion. Vice-Mayor Privett asked to respond to Mr. Newman's statement because he felt this was aimed directly at him, based on the news media and that it had to do with former Commissioner Eddie Dent. He explained that he received and responded to a call from Mr. Dent's wife stating that Mr. Dent had been abused during a traffic stop. He would have responded to anyone else if they had called him and he feels other Commissioners would have as well. He called and asked that Mr. Dent not be transported until he could see him. When he got here, he went straight to the holding cell and talked with Mr. Dent from outside the cell at which time he showed him the bruises all the way up his arms. He

never asked that Mr. Dent not be taken to jail but did have pictures made of the bruises. Officer Neighbors made the pictures saying he did not know what good it would do. Vice-Mayor Privett said he did this because he wanted to protect the City's liability. He said if he had received a call from anyone, he would have come to City Hall to investigate. Mr. Newman stated this was not the incident he was referring to. Vice-Mayor Privett apologized to Mr. Newman but stated he did want this issue aired out. Mr. Carl Gooden, 10211 Miller Road, spoke saying that he felt the police officer was the ultimate acting authority, sworn to do a job even if he felt intimidated and if he had wanted that man to go to jail, he would have gone. He added that he felt this incident should be dropped. He commented that City Manager Cagle had always solved any problem he may have had and that at this point he felt everyone should just move on with City business. Margaret Chastain, 206 Northern Trails Drive, stated her firm support of the police and fire departments. She questioned why Commissioner Skiles took an officer to a local bank to view surveillance video on an ongoing investigation. Mr. Skiles stated he was unaware that it was under investigation that he did not come to City Hall to get an officer and when he went to the bank, the bank never indicated that it was under investigation. Mrs. Chastain questioned if Commissioners have relatives that are city employees. Commissioner Harmon said none, Commissioner Skiles said a niece, Mayor Shipley said none, and Commissioner Adams said none. Vice-Mayor Privett stated that he was elected to office in 1997, that his sister was hired in 1969 which was several years before he ran for office and his niece was hired in the 1980's also before he ran for office. He stated that he replaced a Commissioner that had a son who was hired after his election, a police chief that had a son working under him and a public works director who had a son working under him. There were several situations of this type, remarking that he did not hire his sister or his niece and that he was elected to his position. He said he had never paid favoritism by recusing himself on any decision related to them. He then stated that Commissioner Skiles was not his nephew but is married to his niece. He said what Ms. Chastain had said on talk radio was embarrassing and that many of her comments about him were untrue, firmly stating that a statement she made of his knowledge of a young lady and her personnel file was a lie. He asked her the next time she had something to address, to sit down with him. Ms. Chastain praised those members of the Board that did not show favoritism to family members. Vice-Mayor Privett said he had recused himself on several occasions whenever it related to relatives. Eddie Dent stood in response to a comment made earlier in the meeting. He said he did not and would never ask Vice-Mayor Privett to keep him from going to jail, he only wanted pictures made. Vice-Mayor Privett asked Mr. Dent if he ever indicated that he would help him out of the arrest. Mr. Dent said he didn't. Sharon Neighbors, 11613 Holly Circle, asked Mayor Shipley if his uncle had an open container in the vehicle when he was stopped. Mayor Shipley said it was his understanding that he did. Mrs. Neighbors questioned if this was his first time and said she was offended that no one recognized the fact that there was a drunk driver on the road seriously. Mayor Shipley said him and many others felt it was serious and he too was opposed to drunk

driving. Mrs. Neighbors commented that some very good people made some very bad decisions. Rita Shipley, wife of Mayor Shipley spoke, saying that the only thing her husband had ever tried to do was what was good for the City. She said if anyone felt that they had never made mistake, then they would stand before God to answer for it. She asked how many family members have asked for help and just because this was a family member should they not ask? She went on to say that her husband had been awakened many times during the night and both of them had gone to get people because they were asked to come. She said the Board was put in to do a job and not to be ridiculed and that she was ashamed that people would act this way. Vice-Mayor Privett stated he would like to clarify one thing, to assure people of when he had knowledge of the incident and that he in fact did not think it was a coverup. He said the City Manager had came to his job site on January 22nd saying that she had messed up and let a friendship cause her to make a bad decision. She told him that the friend's uncle had been arrested. She reported that he then asked her if the person had to go to jail but instead could be placed in the holding cell and the case dispositioned here. Vice-Mayor Privett said it was his understanding that she had spoken with all the Commissioners within two days. She told him that she called dispatch to have the shift sergeant call her. She asked the sergeant if the person had to go to jail and he said he would check. At that time City Manager Cagle said she did not know he had been placed under arrest. Vice-Mayor Privett said the other thing that the City Manager told him was that the officers felt intimidated and assured him that she didn't tell them to not make the arrest. After that, a family member was allowed to pick him up. Steve Blevins, 12225 Plow Lane, stated he had experienced good and bad business with Mayor Shipley and City Manager Cagle, but that he did not think that either of them had done anything wrong and thought they both have the best interest of the City at heart.

City Manager Cagle gave her report presenting a request for repairs to the girls bathrooms at the North Park with the estimated cost being approximately \$7,000 to include new stalls and tile. Mayor Shipley stated that the girls' softball teams had grown a lot in the past few years and the repairs are much needed. Vice-Mayor Privett asked if this was the last bathroom facility to be addressed. City Manager Cagle stated that the facilities at the South Park where the adults play needs remodeling as well. A motion was made by Commissioner Adams and seconded by Commissioner Harmon to approve the repairs as presented and the motion carried unanimously.

City Manager Cagle presented invoices from P & S Concrete in the amount of \$32,350 for road repairs. A motion was made by Commissioner Adams to approve payment. The motion was seconded by Commissioner Harmon and the ayes were unanimous.

City Manager Cagle presented invoices from Rogers Group in the amount of \$5,158.39 for the purchase of rock for road repairs. A motion was made by Commissioner Harmon and seconded by Commissioner Skiles to approve payment and the motion carried.

City Manager Cagle presented invoices from New Salem Alignment in the amount of \$3,985.36 for vehicle maintenance and repairs made during the month of January. A motion was made by Vice-Mayor Privett and seconded by Commissioner Adams to approve payment and the ayes were unanimous.

City Manager Cagle presented bids for the purchase of municipal court software. She said ours was one of the few courts that do not have this type software. She reported that several court packages were reviewed but only two bids were received. She gave the bid from Southern Automated at \$19,567 and the other from Tyler Technologies in the amount of \$18,917. This is a budgeted item in administration. She added that it was the IT's recommendation that the bid of Tyler Technologies be accepted and it was the court clerk's choice also. Vice-Mayor Privett made a motion to approve the purchase from Tyler Technologies. Commissioner Harmon seconded the motion and the ayes were unanimous.

City Manager Cagle stated that the City has 120 days from July 1st to extend the garbage collection contract with Waste Connections at the current rate. The only increase would be a CPI increase at an amount not to exceed 5%. She gave the current rate at \$7.55 per household, per month. Commissioner Harmon stated there was an individual present that was interested in bidding on the City's contract and asked her to address the Board. Monica Moseley, with Republic Services, Inc., asked for the opportunity to bid. Commissioner Adams said he preferred to extend the current contract, adding that the contractor has been very reliable. Vice-Mayor Privett said that the contract is a matter of public record so if the competition is aware of what is being paid now, then they must think they can beat the price. For this reason, he was in favor of rebidding the contract. Mayor Shipley said that the contractor knows the City and that in bidding you may get a higher price. Vice-Mayor Privett said that is a chance you take. City Manager Cagle asked Ms. Mosley if their company was fully automated. Ms. Mosley said their company did both types of collection. Vice-Mayor Privett made a motion to place the contract out for bid. This motion was seconded by Commissioner Skiles and the motion carried unanimously.

City Manager Cagle announced the TML legislative conference set for March 22nd - 24th.

City Manager Cagle ended her report stating that things have come to pass that have indicated to her that it may be best for her to leave her employment and that it is her intent to retire effective April 3rd.

Commissioner Skiles stated that the paving (road repairs) still had not been done on Mimosa Drive and Montlake Circle. Mayor Shipley stated that the contractor is paving Walden Street and will be going to these two areas after that.

Vice-Mayor Privett reported that he had been talking with State Representative Jim Cobb on getting legislation passed to issue low speed tags in Soddy-Daisy. He said former Representative Jim Vincent had one approved for Hamilton County but for some reason this had been changed. Jim Cobb is working on this for Rhea County and he has asked that he work on this for Soddy-Daisy as well. City Attorney Elliott stated this

change must be for Hamilton County as a whole. Vice-Mayor Privett said in speaking with Representative Cobb, Representative Floyd and Senator Watson, they asked for a vote from this Board before pursuing the request. He then made a motion to that effect which was seconded by Commissioner Skiles and the motion carried unanimously.

Vice-Mayor Privett made a motion to freeze all hiring, firings, promotions or demotions until such time as the economic times change. He added to his motion that any changes be brought before the Board for approval. This motion was seconded by Commissioner Harmon the ayes were: Vice-Mayor Privett, Commissioner Harmon, Commissioner Skiles and Mayor Shipley with Commissioner Adams voting nay.

Commissioner Harmon complimented the fire and police departments, adding that the volunteer fire fighters donate many hours to the City that can never be repaid. He said he had known Police Chief Hamrick his entire life and found his character to be above reproach and felt that the police officers overall make the right decisions. He said he felt City Manager Cagle had devoted a lot of her life to this City and at many times had the weight of it on her shoulders. He made a motion to pay her a severance of \$1,000 per year for each year of service. This motion was seconded by Vice-Mayor Privett and the ayes were unanimous. Commissioner Harmon acknowledged the public works department saying the employees are working very hard on several projects.

Mayor Shipley said he had received several comments from citizens about resuming a neighborhood watch program. He asked that the other Board members give this some thought and possibly discuss this at the next meeting.

Mayor Shipley stated he had no hard feelings against anyone who may have spoke against him tonight. He said he did not take this lightly that he felt a lesson had been learned and he would not judge anyone. He ended by saying that the next time the media comes to Soddy-Daisy, he wanted it to be for something good.

Trey Shipley, son of Mayor Shipley, spoke saying he had lived in politics his whole life and that it is easy to point fingers asking if the public was aware when these men got out in the middle of the night to move people because the creek was flooding. There have been times when his dad has gone out to check to see if a street light is out or to look to see if a ditch needs cleaning. He said he was speaking in support of all of the Commissioners and that it is hard to work as a team when being criticized.

Connie Howard, 12225 Posey Hollow Road, thanked the Commissioners for their serving saying that he voted for them and will vote for them again.

ADJOURNMENT 8:25 P.M.

RECORDER SARA BURRIS